

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL ANTHONY NELSON,
Defendant.

No. CR 10-00244 EMC

STIPULATION AND ORDER
CONTINUING HEARING AND
EXCLUDING TIME

STIPULATION

The parties agree to continue the hearing in the above-captioned matter from March 7, 2012 until March 21, 2012 at 2:30 p.m. Defense counsel avers that the basis for the continuance is the unexpected illness of the defendant.

For the foregoing reasons, the parties agree to the stated continuance and request that time be excluded under the Speedy Trial Act based upon the temporary unavailability of the defendant and the related need for effective preparation by defense counsel.

It is so stipulated.

DATED: March 6, 2012

/s/
RONALD TYLER
Assistant Federal Public Defender
Counsel for Michael Anthony Nelson

DATED: March 6, 2012

/s/
MICHELLE J. KANE
Assistant United States Attorney

STIP & ORDER CONTINUING
HEARING
United States v. Nelson
CR 10-00244 EMC

ORDER

The Court finds as follows:

The defendant's illness renders him temporarily unavailable and temporarily physically unable to stand trial, pursuant to the Speedy Trial Act, Title 18 United States Code §§3161(h)(3)(A) and 3161(h)(4).

Moreover, the ends of justice are served by granting the requested continuance, given that failure to do so would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The aforementioned ends of justice outweigh the best interest of the public and the defendant in a speedy trial.

Accordingly, this matter is continued until March 21, 2012 at 2:30 p.m. Pursuant to the Speedy Trial Act, Title 18 United States Code §§3161(h)(3)(A), 3161(h)(4), 3161(h)(7)(A) and 3161(h)(7)(B)(iv), the period from March 7, 2012 until March 21, 2012 is excluded in computing the time within which the trial of this matter must commence.

IT IS SO ORDERED.

DATED: 3/7/12

EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE



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